

REMARKS

The application has been amended as needed so as to place it in condition for disposal at the time of the next Official Action.

The Official Action had objected to the drawings, as they failed to depict the "rollers" which were previously recited in claim 3. It was indicated that the rollers must be depicted or the features canceled from the claims.

By the present amendment, it will be seen that claim 3 no longer recites the rollers, but further specifies that the second engagement members project radially inwards into the gap, which is positioned between the torque input member and the torque output member. Support for such a recitation may be found on page 11, lines 19-24 of the specification. Accordingly, it is believed that the objection to the drawings has been obviated and rendered moot by having deleted the rollers feature from the claims.

Claims 1-3 and 5-7 were rejected under 35 USC §102(b) as being allegedly anticipated by French reference 1,150,579.

Claims 1 and 3-7 were also rejected under 35 USC §102(b) as being anticipated by the French reference 514,290.

Reconsideration of the above rejections is respectfully requested for the following reasons.

The present invention is directed to a positive engagement clutch having a torque input side and a torque output side. The clutch includes a torque input member arranged on the torque input side, a torque output member arranged on the torque output side, first engagement members, second engagement members, and an actuator. The torque input member and the torque output member are arranged concentrically to rotate on a common axis. One of the torque input member and the torque output member carries the first engagement members, while the other of the torque input member and the torque output member carries the second engagement members. The first engagement members are radially movable by the actuator between a projecting and a retracted position. The second engagement members project radially into a gap between the torque input member and the torque output member. The first and second engagement members engage with each other, when the first engagement members are in the projecting position, to progressively engage the torque input and output members to allow the transmission of torque to the torque output side. The first and second engagement members are disengaged from each other, when the first engagement members are in the retracted position, to prevent the transmission of torque to the torque output side.

It is respectfully submitted that the above claimed characteristic features are neither disclosed, nor suggested by either of the French references.

Indeed, a brief review of these applied references will reveal that the second engagement members, namely elements 5 and 17 in French '579 and element 5 in French '290, although carried by the torque output member, do not project into a gap **between** the torque input member and the torque output member, as is recited in applicant's original claim 1. More particularly, as is clearly depicted in Figures 4 and 5 of the present application, the second engagement members 120 project into the gap 126, which is located between the torque input member and the torque output member.

This arrangement of the second engagement members 120 projecting into the gap 126 in the herein claimed invention is particularly advantageous, since separate urging elements, such as springs, can be dispensed with. Furthermore, the production is simplified, since deep cavities to fully recess and in the case of French '290 fix, the second engagement members are not required. Consequently, the herein claimed device is easier to assemble and dismantle and requires fewer parts.

It is by now well settled that anticipation requires that a prior art reference disclose every claimed element as set forth in the claim (see *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 1 USPQ2d 1081 (Fed. Cir. 1986)). Similarly, absence of a claimed element from a prior art reference negates anticipation (see *Atlas Powder Co. v. E.I. Du Pont De Nemours and Co.*, 224 USPQ 409 (Fed. Cir., 1984)).

In view of the above, it should be readily apparent that none of these applied French references discloses or suggests having the second engagement members which are carried by the torque output member project into a gap between the torque input member and the torque output member.

The Primary Examiner's kind indication of allowability with respect to claim 8 is sincerely appreciated. However, in view of the foregoing remarks, it is believed that originally filed claim 1 structurally and patentably distinguishes from the applied prior art.

Reconsideration and allowance of claims 1-8 are accordingly earnestly solicited.

In the event that there are any questions relating to this amendment or to the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that the prosecution of this application may be expedited.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON



---

Benoit Castel, Reg. No. 35,041  
745 South 23<sup>rd</sup> Street  
Arlington, VA 22202  
Telephone (703) 521-2297  
Telefax (703) 685-0573  
(703) 979-4709

BC/lrs